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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,452	10/02/2003	Ronald S. Kazdin		7554

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EXAMINER

PREVIL, DANIEL

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/676,452

Applicant(s)

KAZDIN ET AL.

Examiner

Daniel Previl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01162004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-16 are presented for examination.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "child containment, the wire defining the periphery of a pet containment area" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-16 are objected to because of the following informalities: Claim 1, delete "the" in line 1 after "utilizing" and substitute by ---a---; claim 1, line 2 delete "the" after "defining"; claim 1, line 2, insert -----after "comprising"; claim 1, line 5, delete "the" after "receiving"; claim 1, line 7, delete "the" before "operation"; Claim 2, the phrase "capability of" in lines 2 and 4 is not a positive limitation but only require the ability to so perform. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne et al. (US 6,650,241) in view of Law (US 5,812,056).

Regarding claim 1, Osborne discloses a child containment, communication and locating system utilizing the wire defining the periphery of a pet containment area (fig. 1; abstract) comprising: at least one child monitoring module worn by the child whose movement is to be monitored (plurality of transmitters worn by the monitored individuals within a predefined perimeter area surrounded by a perimeter loop antenna) (abstract; col. 3, lines 26-35); at least

one child monitoring module including means for receiving the signal applied to the wire defining of the pet containment area (fig. 1; abstract; col. 3, lines 29-40).

Osborne discloses all the limitations above but fails to explicitly disclose a control unit including a transceiver device.

Law discloses a control unit (microprocessor 30) (fig. 1, ref. 30) including a transceiver device (child transceiver 100) (fig. 1; col. 5, lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Law's transceiver unit in Osborne in order to ensure a reliable communication between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 2, Osborne and Law disclose all the limitations in claim 1 and Law further discloses one child monitoring module has the capability of communicating with transceiver device in control unit transceiver device in control unit has the capability of communicating with transceiver device in at least one child monitoring module (col. 4, lines 37-64). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Law's transceiver unit in Osborne in order to ensure a reliable communication between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 3, Osborne and Law disclose all the limitations in claim 1 and Law further discloses one child monitoring module communicates with transceiver device within control unit via a radio frequency band and transceiver device in control unit communicates with transceiver device in at least one child monitoring module via radio frequency band (fig. 1; col. 4, lines 37-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Law's transceiver unit in Osborne in order to ensure a reliable communication between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 4, Osborne discloses one child monitoring module includes means for detecting a signal on the wire defining the periphery of the pet containment area (abstract).

Regarding claim 5, Osborne discloses the detection of a signal on the wire defining the periphery of the pet containment area by detecting means causes at least one child monitoring module to communicate with control unit via transceiver device in at least one child monitoring module and transceiver device in control unit (col. 3, lines 4-55).

Regarding claim 6, Osborne discloses one repeater device (self-diagnostic module 39) (col. 4, lines 39-40) which receives and retransmits signals from at least one child monitoring module to extend the transmission and reception range of at least one child monitoring module (fig. 2-fig. 3; col. 4, lines 39-55).

Regarding claim 7, Osborne discloses an auxiliary power unit (back up battery) (col. 4, line 44) to increase the level of signals to and from at least one child monitoring module (col. 4, lines 39-48).

Regarding claim 10, Osborne and Law discloses all the limitations in claim 1 and Law further discloses means for detecting when at least one child monitoring module is stationary indicating that at least one child monitoring module has been removed by the child whose movements are being monitored (col. 6, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to ensure a reliable communication between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 11, Osborne and Law disclose all the limitations in claim 1 and Law further discloses means for transmitting a message from the child to control unit (the child unit transmitting status information to the guardian unit 200) (col. 6, lines 43-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 12, Osborne and Law disclose all the limitations in claim 1 and Law further discloses means for receiving a message from control unit (the child

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unit 100 has received a signal from the guardian unit 200) (col. 8, lines 56-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 13, Osborne and Law disclose all the limitations in claim 1 and Law further discloses means for transmitting a message to at least one child monitoring module (the child unit 100 has received a signal from the guardian unit 200) (col. 8, lines 56-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 14, Osborne and law disclose all the limitations in claim 1 and Law further discloses means for receiving a message from at least one child monitoring module (the child unit transmitting status information to the guardian unit 200) (col. 6, lines 43-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).



Regarding claim 15, Osborne and Law disclose all the limitations in claim 1 and Law further discloses means for transmitting a message to at least one child monitoring module (the child unit 100 has received a signal from the guardian unit 200) (col. 8, lines 56-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

Regarding claim 16, Osborne and law disclose all the limitations in claim 1 and Law further discloses means for receiving a message from at least one child monitoring module (the child unit transmitting status information to the guardian unit 200) (col. 6, lines 43-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Law in Osborne in order to process a higher information with a cleaner signal between the guardian and the child units to detect accurately when a child strays beyond a preset distance or simply out of sight for the safety purposes as taught by Law (abstract).

5. Claims 8–9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne (US 6,650,241) in view of Law (US 5,812,056) as applied to claim 1 above, and further in view of Castellon et al. (US 5,714,932).

Regarding claim 8, Osborne and law disclose all the limitations in claim 1 but fail to explicitly disclose means to determine the direction of travel of the child

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wearing at least one child monitoring module after the child has crossed the wire defining the periphery of the pet containment area.

However, Castellon discloses means to determine the direction of travel of the child wearing at least one child monitoring module after the child has crossed the wire defining the periphery of the pet containment area (col. 13, lines 49-55, col. 6, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Castellon in Osborne and Law. Doing so would have provided the system with the capability of determining accurately the whereabouts of a child for the safety purposes as taught by Castellon (col. 2, lines 8-31).

Regarding claim 9, Osborne and Law disclose all the limitations in claim 1 but fail to explicitly disclose means for determining the distance of the child from control unit after the child wearing at least one child monitoring module has crossed the wire defining the periphery of the containment area.

However, Castellon discloses means for determining the distance of the child from control unit after the child wearing at least one child monitoring module has crossed the wire defining the periphery of the containment area (col. 11, lines 12-30; col. 12, lines 20-31).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Castellon in Osborne and Law. Doing so would have provided the system with the capability of determining

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accurately the whereabouts of a child for the safety purposes as taught by Castellon (col. 2, lines 8-31).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Azizi et al. (US 5,525,967) discloses a system and method for tracking and locating an object.

Crabtree et al. (US 6,788,199) discloses an article locator system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
January 31, 2004.



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